



POLICE DEPARTMENT CITY OF NEW YORK

July 24, 2017

MEMORANDUM FOR: Police Commissioner

Re: Sergeant Margarette Gulinello  
Tax Registry No. 923839  
Bronx Court Section  
Disciplinary Case No. 2016-15526

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**Charges and Specifications:**

1. Sergeant Margarette Gulinello, assigned to Bronx Court Section, on or about November 6, 2015, while on duty and in Bronx County, acted discourteous (sic) to the Commanding Officer of the Bronx Court Section, to wit: When Captain Taylor brought traffic condition(s)/infraction(s) to Sergeant Gulinello's attention, Sergeant Gulinello responded, in sum and substance, "I am not a traffic agent; it has nothing to with the sally port," and "If you have a problem with it you need to call the 44 precinct because it's a self-enforced area."  
P.G. 203-09, Page 1, Paragraph 2 – Public Contact – General
2. Sergeant Margarette Gulinello, assigned to Bronx Court Section, on or about November 6, 2015, while on duty and in Bronx County, engaged in conduct prejudicial to the good order efficiency or discipline of the Department in that Sergeant Gulinello having acknowledged to Captain Taylor the existence of traffic condition(s)/infraction(s) on Sheridan Avenue at 162nd Street, failed to address the traffic condition/infraction.  
P.G. 203-10, Page 1, Paragraph 5 Public Contact Prohibited Conduct
3. Sergeant Margarette Gulinello, assigned to the Bronx Court Section, on or about November 6, 2015, while on duty and in Bronx County, acted discourteous (sic) and insubordinate to the Commanding Officer of the Bronx Court Section, to wit: when Captain Taylor asked Police Officer Francisco Grullon what his duties were when assigned to the Traffic Post, Sergeant Gulinello directed Police Officer Grullon not to answer Captain Taylor's question and told him that the improperly parked vehicle in question had nothing to do with his duties.  
P.G. 203-09, Page 1, Paragraph 2 – Public Contact General  
P.G. 203-03, Page 1, Paragraph 2 Compliance With Orders

4. Sergeant Margarette Gulinello, assigned to the Bronx Court Section, on or about November 6, 2015, while on duty and in Bronx County, acted discourteous (sic) to the Commanding Officer of the Bronx Court Section, to wit: When Captain Taylor informed Sergeant Gulinello that she would be issued a Command Discipline, Sergeant Gulinello disrespectfully stated twice, in sum and substance, "Whatever," dismissively waved her hand and attempted to walk away; and when Captain Taylor warned her that she would be suspended, stated, in sum and substance, "For what? Try it. I don't know where you're going with this." *(As amended)*

P.G. 203-09, Page 1, Paragraph 2 – Public Contact – General

**Appearances:**

For the Department: Scott Rosenberg, Esq.  
Department Advocate's Office  
One Police Plaza  
New York, NY 10038

For the Respondent: Matthew Schieffer, Esq.  
Quinn Law Firm  
399 Knollwood Road  
White Plains, NY 10603

**Hearing Date:**

May 15, 2017<sup>1</sup>

**Decision:**

Respondent is found Guilty

**Trial Commissioner:**

ADCT Robert W. Vinal

## REPORT AND RECOMMENDATION

The above-named member of the Department appeared before me on May 15, 2017. Respondent, through her counsel, entered a plea of Not Guilty to the subject charges. The Department called Captain Darrin Taylor and retired Lieutenant Naqemah Green as witnesses and offered in evidence the recording of a telephone call that Respondent placed to the IAB Command Center. Respondent testified on her own

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<sup>1</sup> The trial record was held open until June 9, 2017, so that a transcript could be prepared regarding the audio recording of a telephone call that Respondent placed to the IAB Command Center

behalf. A stenographic transcript of the trial record has been prepared and is available for the Police Commissioner's review.

### DECISION

After reviewing the evidence presented at the hearing, and assessing the credibility of the witnesses, I find Respondent Guilty as charged.

### FINDINGS AND ANALYSIS

Many of the facts regarding the incident that is the subject of these charges are not in dispute. It is uncontested that on November 6, 2015, Respondent was on duty at the Bronx Court Section assigned as the Intake Supervisor. One of her duties was to supervise Police Officer Grullon who was assigned to the traffic post outside of Bronx Central Booking (BCB). While Respondent was working at the BCB Intake desk, she received a telephone call from Captain Taylor, the Commanding Officer of the Bronx Court Section, who questioned her about a vehicle that was parked outside. Captain Taylor directed Respondent to come outside and meet him. Respondent went outside and engaged in a conversation with Captain Taylor about a car that was double-parked on 162<sup>nd</sup> Street. Respondent then went back inside BCB. She was directed to come back outside again where she engaged in a second conversation with Captain Taylor which included Lieutenant Naeemah Green and Officer Grullon. At the conclusion of this second conversation, Captain Taylor told Respondent that he was going to issue her a Command Discipline (CD).

On November 8, 2015, Respondent telephoned the IAB Command Center to lodge a complaint against Captain Taylor. During this recorded call [Department's Exhibit 1], Respondent told her interviewer that her negative interaction with Captain

Taylor on November 6, 2015, was a "long time coming" and constituted "the straw that broke the camel's back." She stated that when Captain Taylor telephoned her and questioned her about a car that was double-parked, she asked him, "What does that have to do with me or the sally port?" The captain then asked her to come outside. When she approached him, he pointed out the car and asked her if it was parked legally.

Respondent told her interviewer that she replied, "No, but I'm not a traffic agent. It has nothing to do with the sally port." Captain Taylor then pointed out to her that the illegally parked car might block cars from turning. Respondent told her interviewer that she then stated, "I don't know where you're going. This has nothing to do with the sally port and this is not even in the view of the camera." She told Captain Taylor that she was "not responsible for that vehicle" and that "if you have a problem with it call the 44 (Precinct). It is the 44 self-enforcement area."

Respondent told her interviewer that Captain Taylor then became "mad" and called Officer Grullon over and asked him if he knew what his responsibilities were regarding the traffic post. Respondent told her interviewer that she then interjected and told Officer Grullon, "Officer, don't answer that. That's not true. The vehicle has nothing to do with your responsibility." Respondent told her interviewer that Lieutenant Green then interjected and told Respondent, "Don't say anything. He's the captain. You let him finish talking." Respondent told Lieutenant Green, "Well that's the problem." Captain Taylor then told Respondent he was going to issue her a CD. Respondent told her interviewer that she said, "Whatever," and started to walk away. Captain Taylor then asked her, "What are you doing walking away from me? What did you say to me?" She answered by saying, "I said 'whatever' because my response was whatever." When

Captain Taylor then asked her, "Do you want me to suspend you?" She replied, "For what? Try it. I don't know what you're thinking you're gonna suspend me for." When Lieutenant Green then warned her that she was "out of line," she told Lieutenant Green, "I'm not out of line. He don't get to say those things to me. I get to defend myself and I get to have some authority as a sergeant to determine whether it's a violation and what's not and that officer (Grullon) was doing his job. This is not his responsibility." She continued, "You don't have the right to make him enforce duties when he's not a traffic officer and he's not on patrol." After some more "back and forth," Respondent was directed to go inside.

At the end of the interview, Respondent lamented that BCB was "a very nice place to work until he (Captain Taylor) got there . . . The morale in the three years since he's been there is a nightmare and it's just because to me it's an abuse of authority....He doesn't give sergeants any sort of discretion. He doesn't give us authority to make decisions." She asserted that Captain Taylor "had a problem with me since I got" to BCB and she speculated that, "I think there's something mentally wrong with him."

Captain Taylor testified that the responsibilities of the police officer who is assigned to work the traffic post at BCB included directing vehicles in and out of the sally port and ensuring that vehicle traffic was able to flow along Sheridan Avenue. At about 1325 hours, as Captain Taylor was driving along Sheridan Avenue from 161<sup>st</sup> Street towards 162<sup>nd</sup> Street, he noticed that the flow of traffic was backing up along Sheridan Avenue. As his vehicle approached the intersection of Sheridan Avenue and 162<sup>nd</sup> Street, Captain Taylor observed a marked RMP double-parked at the intersection.

Captain Taylor testified that this double-parked RMP was creating a hazardous condition in that he observed vehicles having difficulty turning left onto Sheridan Avenue (T. 34).

Captain Taylor called the Intake desk Respondent answered the phone (T. 35). Captain Taylor asked Respondent who was assigned to the traffic post. Respondent told him, "P.O. Grullon" and then asked, "What's the problem?" Captain Taylor directed Respondent to come outside. They met in front of sally port one. (T. 34-35). Captain Taylor directed her attention to the double-parked RMP and told her that the vehicle was causing traffic congestion. Respondent replied that the vehicle's location was not within the scope of the traffic post's responsibilities. Captain Taylor testified that he warned Respondent to watch her tone. Captain Taylor directed the Respondent to return to her post. He contacted the second platoon commander, Lt. Green, and requested that she meet him outside BCB (T. 35-36).

When Lt. Green came outside, Captain Taylor asked her if she saw anything wrong (T. 36) and Lt. Green identified the double-parked RMP. Captain Taylor directed Lt. Green to call the Respondent and tell her to come back outside. Captain Taylor recapped his earlier conversation with the Respondent in the presence of Lt. Green (T. 37). Captain Taylor next asked Respondent to explain why she believed the double-parked RMP did not fall within the scope of her duties or the traffic post's duties. Respondent answered, in a raised voice, that the area where the RMP was double-parked was a self-enforced area and, thus, that the traffic post was not responsible for enforcing that location. Lt. Green told the Respondent to watch her tone when speaking to the captain. At this point, P.O. Grullon was walking near them and Captain Taylor called him over. Captain Taylor asked P.O. Grullon whether he had received training at the beginning of



his tour regarding the traffic post. P.O. Grullon answered "yes" and described his duties as assisting cars in and out of the sally port, keeping the sally port clear, keeping traffic clear moving on Sheridan, and keeping the crosswalk and intersection clear. (T. 38). Captain Taylor directed P.O. Grullon's attention to the double-parked RMP and P.O. Grullon agreed that the RMP was located in an area within the scope of the traffic post's responsibilities. Captain Taylor then asked P.O. Grullon who trained him earlier in the day and P.O. Grullon answered that Respondent had. Captain Taylor then dismissed P.O. Grullon.

After P.O. Grullon left, Captain Taylor asked Respondent how was it possible that P.O. Grullon knew his job better than his immediate supervisor, Respondent. (T. 38-39). Respondent answered that it was not P.O. Grullon's responsibility to patrol the area where the RMP was double-parked. (T. 39). Captain Taylor asserted that the Respondent spoke to him in a raised voice. When Lt. Green intervened and cautioned Respondent to refrain from speaking to Captain Taylor in a disrespectful manner, Respondent stated that she had a right to defend herself. Lt. Green then told Respondent that she could defend herself but that she should do so in a respectful manner. Respondent then said something to the effect of "I don't even know why I'm saying anything. He is not going to listen to anything I have to say."

Captain Taylor then told Respondent that he would be issuing her a command discipline (CD) for acting in a discourteous manner and failing to supervise. (T. 39-40). Respondent said "whatever" and turned away from him so her back was facing him (T. 40). Captain Taylor asked Respondent what she had said and Respondent muttered something unintelligible. Captain Taylor then told Respondent that if she made another

disrespectful comment she would be suspended. Lt. Greene interjected and asked the Respondent if she understood Captain Taylor. Respondent replied "Yeah." Captain Taylor told Respondent to return to her post. Captain Taylor then told Lt. Green that they would need to get the double-parked RMP moved.

Captain Taylor was asked whether there was a proper procedure in place that the Respondent should have followed when he initially brought the issue regarding the double-parked RMP to her attention (T. 41). Captain Taylor testified that, based on his professional experience, Respondent should have answered in a respectful manner and replied that she would look into the matter or take care of it. Captain Taylor described Respondent's demeanor as "combative, disrespectful" and "almost dismissive at some points." Captain Taylor asserted that "the phone call started it off...I never even got a chance to inquire about the vehicle because of the way she responded to me when I asked her who the traffic post was." (T. 42). Captain Taylor also testified that he reviewed the command discipline drafted by Lt. Green and issued to the Respondent for her misconduct on the date of the incident (T. 51).

On cross-examination, Captain Taylor agreed that at the time he issued the CD, he did not feel that Respondent's conduct rose to the level where charges and specifications would need to be filed against her (T. 50). Captain Taylor acknowledged that P.O. Grullon did not specifically indicate that he was responsible for keeping the flow of traffic moving along 162<sup>nd</sup> Street (T. 49).

Lieutenant Naeemah Green testified that on November 6, 2015, she was on duty assigned as the Platoon Commander for the Bronx Court Section and that since Officer



Grullon was assigned to the traffic post, she was responsible for keeping the street area clear and directing incoming vehicles. Captain Taylor contacted Lt. Green and stated that a double parked vehicle near the intersection of 162 Street and Sheridan Avenue was interfering with the flow of traffic (T. 18) and that there was no officer present at the traffic post. Captain Taylor directed Lt. Green to come outside and meet him.

Once outside, Lt. Green had a brief conversation with Captain Taylor near the sally port (T. 27). Captain Taylor told Lt. Green that he had brought the double parked car to Respondent's attention and that she had responded in a disrespectful manner (T. 19, 25). Shortly thereafter, P.O. Grullon walked over to where Lt. Green and Captain Taylor were standing (T. 20) and Captain Taylor proceeded to question P.O. Grullon about his assigned post and the post's duties and responsibilities. Captain Taylor next directed Respondent to come outside and Respondent complied. (T. 26). When Respondent joined them, Captain Taylor told her that P.O. Grullon understood the duties and responsibilities required of his work assignment (T. 20) and he wanted to know why Respondent was not aware of her subordinate's responsibilities. In response, Respondent told Captain Taylor that the issue regarding the double parked vehicle was not within the scope of her duties as the Intake Supervisor (T. 21). Captain Taylor disagreed. Captain Taylor and the Respondent engaged in a back-and-forth, verbal disagreement about Respondent's duties. (T. 22).

Lieutenant Green testified that during this exchange Respondent's voice was raised (T. 22-23) and Captain Taylor told Respondent to refrain from speaking to him in that manner or she would face suspension. In response, Respondent said "whatever" and put her hand out in front of Captain Taylor (T. 24). Captain Taylor replied by telling

Respondent "Do you understand?" Respondent replied, "Yeah, yeah." Lt. Green testified that she directed Respondent to be respectful to her commanding officer (T. 23). Respondent replied by saying that she had the right to defend herself. Lt. Green testified that Respondent got quiet after that. Captain Taylor directed Respondent to go back inside to her post. After Respondent left, Captain Taylor directed Lt. Green to issue Respondent a command discipline (T. 24).

On cross-examination, Lt. Green testified that she could not recall whether she was present for roll call on the date of the incident (T. 25). Lt. Green recalled having a conversation with the Respondent afterwards during which Respondent probably told her that she was inside trying to locate the operator of the double-parked vehicle (T. 27).

Respondent testified at this trial that it was her understanding that the traffic post officer was only responsible for ensuring that no vehicles were blocking the sally port (T. 63-64). While Respondent was on the phone with Captain Taylor she looked at the live video camera feed which depicted the sally port and she did not observe any vehicles near the entrance of the sally port. She told Captain Taylor "I don't see any vehicles. Where are you talking about?" Captain Taylor responded, "Across the street in front of the store." Respondent told him, "I'm looking in the camera across the street and I don't see any vehicles." Captain Taylor responded that the vehicle was parked in front of the Court Deli. Respondent then told Captain Taylor that the vehicle's location was not within the vicinity of the sally port and that she did not understand what Captain Taylor was talking about (T. 64-65).

Captain Taylor then directed Respondent to meet him outside. Respondent immediately complied. Respondent testified that she exited the sally port and waited for Captain Taylor. When Captain Taylor arrived, he walked past her to the opposite side of the street and she followed him. He then pointed to a marked RMP parked on 162<sup>nd</sup> Street and Sheridan Avenue. Captain Taylor then asked Respondent, "Does that vehicle look like a legally parked vehicle?" Respondent answered, "No, it does not. However, this is not in relation to the sally port duties. I'm not understanding what it is you're telling me I'm supposed to do about this situation." Captain Taylor asked her, "Are you telling me that this is not your responsibility?" (T. 66). Respondent told him that her subordinates were taking care of the area that they were tasked with patrolling.

Captain Taylor directed Respondent to locate the operator of the vehicle and request that the operator move the vehicle (T. 67-68). Respondent then went back inside to the intake area (T. 68) and attempted to locate the vehicle's operator.

Respondent was soon called outside again (T. 69). Respondent observed Lt. Green, P.O. Grullon, and Captain Taylor standing on a sidewalk near the sally port. Respondent testified that Captain Taylor was yelling at P.O. Grullon, "That is your job! You are supposed to move that vehicle! You're responsible for everything on this street! That's your job!" Respondent testified that she interjected and told Captain Taylor that he was yelling at the officer in a public space and that P.O. Grullon was not being given an adequate chance to answer the captain's questions.

Respondent explained that she felt compelled to come to P.O. Grullon's defense because she was his supervisor that day and he appeared frazzled (T. 70). Respondent added that Captain Taylor should have directed his frustrations to her and not to P.O.

Grullon. Respondent testified that P.O. Grullon was at his post when Captain Taylor initially arrived on the scene (T. 72).

Captain Taylor dismissed P.O. Grullon. After P.O. Grullon left the scene, Captain Taylor told the Respondent that it was her responsibility to have the RMP moved and that he would be issuing both her and P.O. Grullon a CD. Respondent answered, "Whatever." Respondent asserted that she spoke to Captain Taylor in the manner she did because she was exhausted, exacerbated and confused (T. 70-71). Captain Taylor then asked Respondent, "What did you say to me?" (T. 71) Respondent answered, "Sir, I said whatever you want to do at this point." Lt. Green then intervened and told the Respondent that, based on his rank, Captain Taylor could do and say whatever he wanted. Respondent then said that she had a right to defend P.O. Grullon who was just doing his job. Captain Taylor dismissed her and she returned to the intake area.

While inside, Respondent was approached by Lt. Green who directed Respondent to come with her to the second sally port to speak in private. Respondent complied. Upon entering the second sally port, Lt. Green advised Respondent that Captain Taylor had directed Lt. Green to issue Respondent a CD. Respondent acknowledged that Lt. Green was following the Captain's order. Respondent told Lt. Green that she was watching P.O. Grullon from the video feed while in the intake area and he was doing his job (T. 72). Respondent further stated that she had a prior conversation with Captain Taylor during which he directed Respondent to locate the operator of the double-parked RMP. Respondent then asked Lt. Green whether or not Captain Taylor had relayed this information to her. She answered, "No, no, he didn't tell me that."

Following this incident, Respondent reached out to her Union Trustee for advice in light of Captain Taylor's threat to suspend Respondent. The Union Trustee advised her that a suspension was too harsh of a punishment given what had transpired between Respondent and Captain Taylor and he advised Respondent to contact IAB. On November 8, 2015, Respondent contacted IAB's Command Center to report the incident (T. 73-74).

On cross-examination, Respondent acknowledged that during her initial one-on-one conversation outside with Captain Taylor she had told him, "I'm not a traffic agent. That has nothing to do with the sally port. If you have a problem with it, call the 44." Respondent also acknowledged that during her second outside conversation with Captain Taylor, which took place in the presence of P.O. Grullon and Lt. Green, when Captain Taylor asked P.O. Grullon to explain what his duties were in relation to his assignment as traffic post, she directed P.O. Grullon not to answer Captain Taylor's question (T. 76). Respondent further acknowledged that when Captain Taylor had warned her that she could be suspended, she had responded, "For what? Try it. I don't know where you're going with this." (T. 76-77).

Respondent denied that she was annoyed or upset at any point during her interaction with Captain Taylor on November 6, 2015 (T. 77). Respondent testified that when she went back inside to the intake area after her initial one-on-one conversation outside with Captain Taylor, she was not given enough time to locate the operator of the vehicle because she was soon called back outside by Lt. Green to meet with Captain Taylor again (T. 79-80).

**Analysis**

Specification Nos. 1, 3 and 4

I find Respondent guilty of discourtesy based on statements she made during her November 8, 2015, telephone call to the IAB Command Center [Department's Exhibit 1]. During this call, Respondent admitted: That when Captain Taylor pointed to a car and asked her if it was parked legally, she replied, "No, but I'm not a traffic agent. It has nothing to do with the sally port;" and that she also told him, "If you have a problem with it call the 44 (Precinct)." These remarks made by a sergeant to a captain can only be described as discourteous because they were delivered in a testy manner.

Respondent also admitted that as Captain Taylor was asking P.O. Grullon a question about his duties, she interjected and told P.O. Grullon, "Officer, don't answer that. That's not true. The vehicle has nothing to with your responsibility." This statement was insubordinate since Respondent had no right to direct a police officer not to answer a question about his duties that had just been posed to him by a captain.

Finally, Respondent admitted that when Captain Taylor told her that he was going to issue her a CD, she said, "Whatever," and started to walk away from Captain Taylor without having been dismissed, and that when he asked her, "What are you doing walking away from me? What did you say to me?" she answered, "I said 'whatever' because my response was whatever.'" Lastly, she admitted that when Captain Taylor then asked her, "Do you want me to suspend you?" She replied, "For what? Try it. I don't know what you're thinking you're gonna suspend me for." All of these replies were discourteous and her "try it" remark was a direct challenge to the captain.

Respondent is found Guilty of Specification Nos. 1, 3 and 4.

## Specification No. 2

Respondent is charged with engaging in conduct prejudicial to the good order, efficiency or discipline of the Department "in that having acknowledged to Captain Taylor the existence of traffic condition(s)/infraction(s) on Sheridan Avenue at 162nd Street" she "failed to address the traffic condition/infraction."

Respondent does not dispute that a car was double-parked on 162<sup>nd</sup> Street. (Tr. 89). In her testimony at this trial, Respondent asserted that after her one-on-one conversation with Captain Taylor, when she went back inside to the intake area she attempted to locate the vehicle's operator. (T. 68). This unsupported claim is inconsistent with statements she made during her November 8, 2015, telephone call to LAB. During this call, Respondent admitted that the captain pointed out this car and asked her if it was parked legally. However, rather than simply telling him that she would immediately take action to get the car moved, she admitted that she instead replied, "No, but I'm not a traffic agent. It has nothing to do with the sally port." When Captain Taylor then pointed out to her that the illegally parked car might block cars from turning, Respondent admitted that she told him, "I don't know where you're going" and that she was "not responsible for that vehicle" and that "if you have a problem with it call the 44 (Precinct). It is the 44 self-enforcement area."

Respondent's admission that she told the captain that *he* should call the 44 Precinct to arrange to get the car moved, and her admission that when the captain started to ask P.O. Grullon about his traffic post duties, she interjected and told P.O. Grullon, "Officer, don't answer that. That's not true. The vehicle has nothing to do with your



responsibility," show that she had no intention of addressing this traffic condition/infraction by personally getting someone to move the car.

Finally, although Lieutenant Green testified that Respondent "probably did" claim that after the captain had alerted her about the double-parked car she had gone back inside to try to find out who the operator of the vehicle was, Respondent's conversation with Lieutenant Green took place *after* Respondent had been told by the captain that he was going to issue her a CD. Thus, the credibility of Respondent's claim to Green must be evaluated in light of the fact that, at that point, Respondent had a motive to want to try to convince Green that she had actually intended to personally take action to get the operator to move the car. Therefore, Respondent is found Guilty of Specification No. 2.

### PENALTY RECOMMENDATION

In order to determine an appropriate penalty, Respondent's service record was examined. *See Matter of Pell v. Board of Education*, 34 NY 2d 222 (1974). Respondent was appointed on July 7, 1999. Information from her personnel record that was considered in making this penalty recommendation is contained in an attached confidential memorandum. Respondent has no prior formal disciplinary record.

Respondent's claim that she spoke to Captain Taylor in the manner that she did was because she was exhausted, exacerbated and confused, does not serve to excuse, justify or even mitigate the discourteous manner in which she addressed him in front of a lieutenant and a police officer, and her insubordinate action of interjecting as Captain Taylor was asking P.O. Grullon a question and telling P.O. Grullon, "Officer, don't answer that. That's not true. The vehicle has nothing to do with your responsibility."

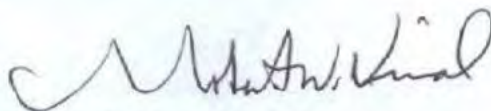
The Advocate recommended "a penalty of 20 vacation days forfeiture and the forfeiture of an additional 10 suspension days."<sup>2</sup> In *Case No. 2011-6023* (signed Dec. 17, 2014), a 19-year sergeant who had no prior disciplinary record forfeited 30 vacation days as a penalty after she was found guilty after trial of failing to comply with a lieutenant's order to place a [REDACTED] in a prisoner van and arguing extensively with the lieutenant about the matter in front of members of her vice enforcement team. That sergeant was also found guilty of releasing a prisoner without following voided arrest procedure and failing to ensure that DD5s were properly prepared. In *Case No. 2014-12558* (signed May 27, 2016), a 12-year sergeant forfeited 25 vacation days as a penalty for being discourteous to a lieutenant by telling him that if he did not approve her lost time request she would not appear for her next scheduled tour of duty. That sergeant was also found guilty of wrongfully absenting herself from police duties for four hours.

Since Respondent is an 18-year member who has held the rank of sergeant for 11 years and has no prior formal disciplinary record and no Monitoring records, her actions during this incident appear to be an aberration from the manner in which she has normally interacted with her supervisors during her career. Accordingly, I recommend that Respondent forfeit 25 vacation days as a penalty.

Respectfully submitted,

**APPROVED**

NOV 03 2017  
  
JAMES P. O'NEILL  
POLICE COMMISSIONER



Robert W. Vinal  
Assistant Deputy Commissioner Trials

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<sup>2</sup> Respondent was not suspended as a result of this incident.



POLICE DEPARTMENT CITY OF NEW YORK

From: Assistant Deputy Commissioner Trials  
To: Police Commissioner  
Subject: CONFIDENTIAL MEMORANDUM  
SERGEANT MARGARETTE GULINELLO  
TAX REGISTRY NO. 923839  
DISCIPLINARY CASE NO. 2016-15526

Respondent received an overall rating of 3.5 on her 2016 interim performance evaluation, 3.5 on her 2015 annual evaluation, and 4.0 on her 2014 annual evaluation. She has no medals. [REDACTED]

[REDACTED] She has no prior formal disciplinary adjudications and no Monitoring records.

For your consideration.

Robert W. Vinal  
Assistant Deputy Commissioner Trials